

## Quarterly Civil Service Board Report

The following reflects the Civil Service Board cases in which action was taken since the April 15, 2003 quarterly report:

### A. Cases Decided and/or Disposed Of:

1. **Appellate**, dismissal *dismissed*  
**Larned State Hospital**  
Mental Health Aid. The Appellate was dismissed for poor work performance. He filed his request for appeal more than 30 days after the effective date of his dismissal. The matter was dismissed for lack of jurisdiction.
2. **Appellate**, dismissal *dismissed*  
**Kansas Department of Administration**  
Custodial Worker. The Appellate established a pattern and practice of failure to come to work on time. He was counseled repeatedly and received several suspensions before being placed on the division's attendance policy. He accumulated more than 5 points for lateness in a 12 month period and was dismissed. In addition he was suspended on at least one occasion for coming to work under the influence of alcohol. The Appellate did not appear at his scheduled hearing and a default order was issued.
3. **Appellate**, alleged demotion *dismissed*  
**Topeka Juvenile Correctional Facility**  
Juvenile Correctional Officer I. The Appellate was transferred from the afternoon shift to the evening shift to avoid the appearance of impropriety as his sister-in-law supervises the afternoon shift employees. To have the Appellate and his sister-in-law working on the same shift violated the facility's nepotism policy. The Appellate claimed he was constructively demoted by the transfer. The Board determined that there was no demotion as his pay rate, job duties and classification remained the same with the transfer. In addition, he continues to be eligible to apply for advancement opportunities after the transfer. The matter was dismissed for lack of jurisdiction.
4. **Appellate**, dismissal *affirmed*  
**Kansas Department of Social and Rehabilitation Services**  
Applications Programmer I. The Appellate repeatedly abused his sick leave due to abuse of alcohol and repeatedly came to work under the influence of alcohol. He was counseled informally at least for times, formally counseled once and suspended for 10 days all in a six month period. The behavior continued however. One month after return to work from his suspension, the Appellate again came to work under the

influence of alcohol and he was dismissed as a result. After hearing all of the evidence, the Board determined that the decision of the appointing authority was reasonable.

5. **Appellate**, dismissal *affirmed*  
Parsons State Hospital and Training Center  
Mental Retardation Technician I. The Appellate habitually came to work late, left early and abused his sick leave. He was counseled on numerous occasions about the need to be at work as scheduled. He received an unsatisfactory performance evaluation in November 2002 for continued attendance problems. He was then placed on a 90-day special evaluation. During that special evaluation period, he received a 3-day suspension for arriving to work nearly 4 hours late without calling in and with out adequate explanation. He was also repeatedly counseled about being at work as scheduled. In February 2003 he received an unsatisfactory performance evaluation at the end of the 90-day special evaluation period due to continued attendance problems. As a result of receiving two unsatisfactory performance evaluations in 180 days, the Appellate was dismissed from his employment. After hearing all of the evidence, the Board determined that the decision of the appointing authority was reasonable.
6. **Appellate**, resignation *dismissed*  
Department of Social and Rehabilitation Services  
The Appellate was employed with the Children and Family Policy Division of SRS. In a letter dated May 20, 2003, the Appellate stated that she was resigning her position with SRS effective May 20, 2003 due to temporary health problems. Because the Board does not have jurisdiction to hear appeals based upon resignation, the matter was dismissed.
7. **Appellate**, dismissal *withdrawn*  
Lansing Correctional Facility  
Corrections Officer II. The Appellate reported for duty with \$110.00 in cash on his person. A routine search of officers on his shift revealed the money. The Appellate was instructed to return the money in excess of \$50.00 to his vehicle as per facility regulation. He went to his vehicle and returned a short time later. A second search revealed that he had \$330.00 in his possession. He was again instructed to return the excess to his vehicle a search upon re-entry to the facility revealed that he possessed \$10.00. A final search at the end of his shift revealed that he again possessed \$330.00. Prior to the start of the hearing, the parties announced that they had reached a settlement and the appellant withdrew his appeal.
8. **Appellate**, dismissal *affirmed*  
Kansas Department of Revenue  
Enforcement Agent. The Appellate had been an enforcement agent for more than 10 years. He was promoted to Chief Enforcement agent and served in that capacity for 5 years. On February 4, 2002 he was demoted to an enforcement agent for accessing inappropriate internet sites at work. He was placed on special evaluation from

February 4, 2002 through June 30, 2002 so as to conform his review period to that of the other enforcement agents. During that evaluation period, he failed to file reports and documents as was required on a regular basis. He was repeatedly counseled and yet continued to neglect the filing of his paperwork. He received an unsatisfactory performance evaluation on June 30, 2002. He was placed on a second special evaluation from July 1, 2002 through September 30, 2002. He continued to fail to submit the required paperwork showing that he was completing his assigned tasks. He was again counseled repeatedly during this review period about the necessity of filing the required paperwork. He received a second unsatisfactory evaluation in November 2002. After hearing all of the evidence, the Board determined that the decision of the appointing authority was reasonable.

9. **Appellate**, dismissal *withdrawn*  
Department of Administration

Printer Senior. The Appellate was dismissed for poor performance in the performance of his job duties. The Appellate was required to maintain a standard level of pages printed per hour. He was unable to maintain this requirement and spent excessive amounts of time in setting up the print job, running the print job and cleaning up after the print job. Because he was unable to meet the time requirements set for the department for printing projects, he was dismissed from his employment.

A hearing was held on this matter, however, prior to the announcement of a decision by the Board, the parties announced that they had reached a settlement and the appellant withdrew his appeal.

10. **Appellate**, 5-day suspension *modified*  
Topeka Juvenile Justice Authority

Juvenile Correctional Officer I. The Appellate received a 5-day suspension for use of excessive force against a juvenile offender and for use of unauthorized handcuffs.

On January 17, 2003, a Juvenile Offender (JO) caused a disturbance in his dorm unit. The Appellate and other officers were called to assist. In the process of transporting the JO to a different unit, the JO was handcuffed. The Appellate used his personal handcuffs that are hinged. The facility handcuffs are chain-linked. The agency policy manual states that facility cuffs are to be used. However, practice at the facility had been for officer to use their own cuffs. The evidence also showed that the Appellate used an unapproved method to take the juvenile offender to the ground in the hallway outside the boy's dining room. The JO was handcuffed at the time. While the JO was being verbally abusive to the officers and resistive to them, he was not combative and was restrained, and it was not necessary to take down the JO in the manner the Appellate used. The Board modified the suspension to 3-days finding that the discipline for excessive force was reasonable, but the discipline for using personal handcuffs was not.

11. **Appellate**, dismissal *affirmed*  
Kansas Department of Social and Rehabilitation Services  
Program Consultant II. The Appellate was responsible for licensing of facilities that provide drug and alcohol treatment. His main area of responsibility was the Wichita service area. Over the years, the agency received reports from the facilities that the Appellate licensed stating that the Appellate was sexually harassing the female staff at the facilities. At least one facility requested that he no longer visit their facility for licensing or any other purpose. The Appellate was counseled about his behaviors on more than one occasion. In the summer of 2002, the Appellate was told that further incidents of “date-like” behavior with female employees of the facilities could result in his dismissal. In September 2002 the agency received a report that once again the Appellate engaged in sexually harassing behavior with a female staff member at a facility in Wichita. After hearing all of the evidence, the Board determined that the decision of the appointing authority was reasonable.
12. **Appellate**, 5-day suspension *dismissed*  
Lansing Correctional Facility  
Corrections Officer I. The Appellate failed to bring her identification badge to work. When instructed to return home to retrieve it, she stated that she was not feeling well any way and would probably not return to work. She did not, in fact, return to work. Shortly thereafter, she again reported for duty without her identification badge. When instructed to return home to retrieve it, she again stated that she was not feeling well any way and would probably not return to work. She did not, in fact, return to work that time either. The Appellate failed to appear for her hearing as scheduled and the matter was dismissed.
13. **Appellate**, 3-day suspension *affirmed*  
Kansas Department of Social and Rehabilitation Services  
Vocational Rehabilitation Coordinator. The Appellate took a personal interest in a case involving a teenage girl who was taken into police protective custody. She used a state car to drive to a court hearing concerning the child in February 2003. At that hearing the court placed the child in SRS custody through the Emporia SRS office and ordered out of home placement. The Appellate asked that the child be placed in her home as she is a licensed foster parent. She is also employed by the Emporia SRS office. The agency has a policy that SRS employees not act as foster parents for children in the custody of the Emporia Area SRS office. In addition, the Appellate daughter-in-law is a social worker with The Farm, Inc. The Farm contracts with SRS to provide foster placements for children in SRS custody. The Appellate’s daughter-in-law was assigned to the child whom the Appellate requested to have in her home. Due to these conflicts of interest, her request was denied. In March, 2003 the Appellate again attended a court hearing regarding the child. Custody to SRS was reaffirmed with the child to be in out of home placement. Reintegration with the child’s father was to be attempted. After the hearing concluded, the Appellate approached the judge and offered to take the child into her home and release her to her father if the court would terminate SRS custody. This was done without the permission or knowledge of SRS. After hearing all of the

evidence, the Board determined that the decision of the appointing authority was reasonable.

B. Cases Filed Between April 15, 2003 and July 15, 2003:

1. Topeka Juvenile Correctional Facility, filed April 16, 2003
2. Topeka Juvenile Correctional Facility, filed April 22, 2003
3. Social and Rehabilitation Services, filed April 29, 2003
4. Transportation, filed May 2, 2003
5. Lansing Correctional Facility, filed May 13, 2003
6. Social and Rehabilitation Services, filed May 14, 2003
7. Transportation, filed May 15, 2003
8. Social and Rehabilitation Services, filed May 27, 2003
9. Social and Rehabilitation Services, filed May 28, 2003
10. Lansing Correctional Facility, filed May 29, 2003
11. Topeka Correctional Facility, filed May 30, 2003
12. Dept. of Corrections, filed June 2, 2003
13. Larned State Hospital, filed June 3, 2003
14. Dept of Administration, filed June 9, 2003
15. Social and Rehabilitation Services, filed June 9, 2003
16. Larned Juvenile Correctional Facility, filed June 11, 2003
17. Kansas State University, filed June 12, 2003
18. Lansing Correctional Facility, filed June 18, 2003
19. Larned Correctional Facility, filed June 20, 2003
20. Health and Environment, filed June 30, 2003
21. KU Medical Center, filed July 9, 2003

C. Cases Still To Be Heard:

1. Dismissal, Dept of Administration, set 7/23/03
2. 3-day suspension, Kansas State Univ., set 9/3/03
3. 5-day suspension, Juvenile Justice Authority, set 8/6/03
4. Dismissal, Social and Rehabilitation Services, set 8/7/03
5. 7-day suspension, Dept. of Corrections, set 7/22/03
6. Demotion, Topeka Juvenile Correctional, set 7/24/03
7. Dismissal, Topeka Correctional Facility, set 7/25/03
8. Dismissal, Transportation, set 10/4/03
9. Dismissal, Larned Juvenile Correctional Facility, set 7/24/03
10. 3-day, Lansing Correctional Facility, set 8/5/03
11. Social and Rehabilitation Services, set 7/21/03
12. 1-day, Lansing Correctional, set 7/21/03
13. Dismissal, Transportation, set 9/4/03
14. Dismissal, Social and Rehabilitation Services, set 7/22/03
15. 3-day, Larned Correctional Facility, set 8/4/03
16. Dismissal, KU Medical Center, set 8/18/03

17. Dismissal, Health and Environment, set 8/7/03
18. Dismissal, Topeka Juvenile Correctional, set 8/19/03
19. Dismissal, Health and Environment, set 8/20/03

D. Statistics for Completed Cases:

1. Dismissals: 8
  2. Demotions: 0
  3. Suspensions: 3
  4. Other: 2
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1. Affirmed: 5
  2. Reversed: 0
  3. Modified: 1
  4. Dismissed: 5
  5. Withdrawn: 2
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1. Social and Rehabilitation Services: 6
  2. Department of Administration: 2
  3. Department of Corrections: 2
  4. Juvenile Justice Authority: 2
  5. Department of Revenue: 1